

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #10	CCRB Case #: 201601680	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/26/2016 5:45 AM	Location of Incident: § 87(2)(b), and inside the 103rd Precinct stationhouse	Precinct: 103	18 Mo. SOL 8/26/2017	EO SOL 8/26/2017	
Date/Time CV Reported Fri, 02/26/2016 8:00 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 02/26/2016 8:00 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Eric Moy	04042	949373	NARCBQN
2. POM Julio Meyreles	22000	940470	NAR DIV
3. POM Michael Russo	13939	949593	NAR DIV
4. SGT Mark Sinatra	04720	944174	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Mark Sinatra	Abuse: Sergeant Mark Sinatra entered and searched § 87(2)(b) in Queens.	§ 87(2)(b)
B.POM Julio Meyreles	Abuse: Police Officer Julio Meyreles refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Michael Russo	Abuse: Police Officer Michael Russo refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
D.POM Michael Russo	Abuse: Police Officer Michael Russo strip-searched § 87(2)(b)	§ 87(2)(b)
E.POM Eric Moy	Abuse: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
F.POM Eric Moy	Abuse: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy threatened to arrest § 87(2)(b)	§ 87(2)(b)
G.POM Eric Moy	Discourtesy: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 26, 2016, § 87(2)(b) filed this complaint with the CCRB. On February 26, 2016, at approximately 6:05 a.m., § 87(2)(b) was alone inside her apartment at § 87(2)(b) in Queens when Sgt. Mark Sinatra, PO Eric Moy, PO Michael Russo and PO Julio Meyreles, of the Narcotics Division and Narcotics Bureau Queens North, executed a search warrant at her apartment (**Allegation A**). While § 87(2)(b) was alone in her apartment with PO Russo and PO Meyreles she asked the officers for their names and shield numbers, and they allegedly failed to provide the information (**Allegations B and C**). PO Russo allegedly strip-searched § 87(2)(b) revealing her breast and her genitals. (**Allegations D**). § 87(2)(b) was then escorted out of her apartment. She was arrested for § 87(2)(b) (**Board Review 1**) and transported to the 103rd Precinct stationhouse. § 87(2)(b) was issued a Desk Appearance Ticket and released from the stationhouse. As she was leaving, she asked PO Moy for his name and shield number. He allegedly responded by saying, “Do you want to go back in your cell? Get the fuck out.” (**Allegations E, F and G**).

There was no video of this incident.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to § 87(2)(b)'s stated intent to file a notice of claim for this incident.
- As of May 19, 2016, an enquiry to the Office of the New York City Comptroller revealed no notices of claim for this incident (**Board Review 2**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- The only other CCRB complaint filed by § 87(2)(b) was CCRB case number § 87(2)(b) [REDACTED] (**Board Review 4**).
- Sgt. Sinatra has been a member of the NYPD for nine years and has had a total of 13 complaints involving 31 allegations filed against him. In CCRB case number 201506484, allegations of vehicle search and refusal to provide name and shield number were substantiated against him. The Board recommended command discipline B for both allegations. In CCRB case number 201506493, allegations of force, vehicle search, property damage, search of person and allegations of refusal to provide name and shield number were substantiated against him. The board recommended charges for those allegations, and the final outcome is pending. § 87(2)(g) [REDACTED] (**Board Review 5**).
- PO Meyreles has had a total of five cases involving sixteen allegations filed against him in his ten year tenure at the NYPD. In case number 201100754, an allegation of improper questioning was substantiated against him. The board recommended charges, and the

NYPD issued him instructions. In CCRB case number 201600714, allegations of refusal to provide name and shield number and stop were substantiated against him. The board recommended formalized training for those allegations. PO Meyreles has been accused of refusal to provide name and shield number one time previously, which was unsubstantiated (**Board Review 6**).

- This is the first complaint filed against PO Russo in his five year tenure at the NYPD (**Board Review 7**).

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED].
- In her phone statement, § 87(2)(b) [REDACTED] described the two officers who entered her apartment, refused to provide their names and shield number, and strip-searched her as both white males who were both 5'11" tall, one officer had light brown hair and the other officer had brown hair. In her CCRB statement she described these officers as white males who were both 5'6" tall. However, § 87(2)(b) [REDACTED] then stated that one officer was "short" while the other was "tall." When the inconsistency in her descriptions was pointed out to § 87(2)(b) [REDACTED] she re-affirmed that one officer was taller than the other and that the taller one was bigger in size and she could not provide more detailed estimates of their heights. PO Russo and PO Meyreles both admitted to being part of the entry team with PO Moy and Sgt. Sinatra. § 87(2)(b) [REDACTED] provided an accurate description of Sgt. Sinatra as a white male with a bald head and stated that other officers referred to him as "Sarge." § 87(2)(b) [REDACTED] stated clearly that Sgt. Sinatra was not a witness or participant in these allegations. Despite § 87(2)(b) [REDACTED]'s inconsistent descriptions, PO Russo who is a white male that is 5'10" tall with brown hair and PO Meyreles, who is a light-skinned Hispanic male that is 6'3" with brown hair, are the only officers that plausibly resemble § 87(2)(b) [REDACTED]'s descriptions. The only other officers on the narcotics entry team were PO Moy, who is an Asian male with dark skin, and Det. Clifton Clarke who is a black male, neither of whom § 87(2)(b) [REDACTED] described as being present for these allegations. § 87(2)(g) [REDACTED].
- § 87(2)(b) [REDACTED] described the officer who refused to provide his name and shield number, threatened to put her back into a cell and cursed at her as a mixed-race Asian male who was 6'7" tall with a muscular build. PO Moy who is an Asian male with dark skin, 6'0" tall and a muscular build (**Board Review 8**) is the only officer in the team who fit § 87(2)(b) [REDACTED]'s description. § 87(2)(g) [REDACTED].

Allegations not pleaded

- Force – In her initial complaint call, § 87(2)(b) [REDACTED] stated that when officers first entered her apartment, they "threw" her to the ground. In her CCRB statement, § 87(2)(b) [REDACTED] again stated that she was "thrown" to the ground by PO Russo and PO Meyreles. When asked

to describe in detail how this occurred, § 87(2)(b) stated that PO Russo and PO Meyreles first each grabbed her by one shoulder, but when § 87(2)(b) informed the officers that she had a recent operation to her shoulder and that she was wearing a leg brace, both officers released her shoulders. PO Meyreles then told PO Russo “Help her” and both officers lowered her onto her knees in front of her bed by holding her arms and handcuffed her as she leaned across the top of her bed. The officers then helped her to her feet. § 87(2)(g)

Allegation A – Abuse of Authority: Sergeant Mark Sinatra entered and searched § 87(2)(b) in Queens.

It is undisputed that officers supervised by Sgt. Sinatra executed search warrant § 87(2)(b) at § 87(2)(b)'s apartment on February 26, 2016. Three straws with cocaine and one envelope with heroine labeled “brain freeze” was found in § 87(2)(b)'s apartment. § 87(2)(b) was arrested for § 87(2)(b).

The search warrant was signed by Judge § 87(2)(b) and ordered officers to enter and search § 87(2)(b) for, “cocaine, heroin, narcotics, narcotics paraphernalia, including but not limited to, plastic bags, scales, and balances, records or other evidence of ownership or use of this location, records of narcotics transactions, and United States Currency.” (Board Review 9)

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Julio Meyreles refused to provide his name and shield number to § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Michael Russo refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(g)

After the officers broke down her door, only PO Meyreles and PO Russo entered the apartment. § 87(2)(b) stated that after she was handcuffed she told PO Meyreles and PO Russo, “I need my psychiatrist. I need your names. I need your badge numbers.” § 87(2)(b) alleged that PO Russo responded, “Keep waiting,” but neither officer provided their names or shield numbers.

PO Russo and PO Meyreles both denied this interaction with § 87(2)(b). PO Russo and PO Meyreles both denied that § 87(2)(b) asked either of them for their names or shield numbers and denied that they refused a request for their names or shield numbers.

§ 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Michael Russo strip-searched § 87(2)(b)

§ 87(2)(g)

In her first call to CCRB to file this complaint, § 87(2)(b) made no mention of being strip-searched. In her second phone statement and in her in-person interview, § 87(2)(b) stated that after she was handcuffed, she was brought to her feet. While the officers had not expressed any intent to search her, § 87(2)(b) told the officers § 87(2)(b) asked for a female officer. PO Russo allegedly responded by saying, “We could do that.” However, PO Russo then allegedly lifted up § 87(2)(b)'s shirt, exposing a small lower portion of § 87(2)(b)'s bare left breast, before pulling the shirt back down. PO Russo then allegedly pulled down the front of § 87(2)(b)'s underwear, exposing her genitals and visually inspecting before pulling it back up. The officers asked § 87(2)(b) whether she had any contraband and warned that a police dog would be used to search her apartment. According to § 87(2)(b) only PO Russo and PO Meyreles were present in the apartment when the strip-search occurred. No female officer came to the apartment.

By the accounts of all officers present, the officers were executing four different search warrants on four different apartments inside § 87(2)(b) on the morning of February 26, 2016. § 87(2)(b)'s apartment was the second apartment to be entered that day. According to PO Moy, PO Russo and PO Meyreles, after entering the apartment and handcuffing § 87(2)(b) the officers quickly moved on to the next apartment. After all apartments were entered and secured, they returned to search each apartment. PO Russo and PO Meyreles both denied that they stayed in § 87(2)(b)'s apartment with her after handcuffing her and denied that they conducted any strip-search of § 87(2)(b). PO Russo stated that any strip-search would have been documented and a strip-search of a female arrestee would have been conducted by a female officer. In § 87(2)(b)'s arrest report the section documenting whether she was strip-searched indicated that she was not (Board Review 1). No strip-search was documented in the command log entry for § 87(2)(b)'s arrest.

§ 87(2)(g)

Allegation E – Abuse of Authority: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy refused to provide his name and shield number to § 87(2)(b)

Allegation F – Abuse of Authority: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy threatened to arrest § 87(2)(b)

Allegation G – Discourtesy: Inside the 103 Precinct stationhouse in Queens, Police Officer Eric Moy spoke discourteously to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) alleged that she was released from the stationhouse with a DAT by PO Moy. § 87(2)(b) asked to see the search warrant, which PO Moy showed her. § 87(2)(b) also asked him for his name and shield number. PO Moy allegedly responded by saying, “Do you

want to go back in your cell?” PO Moy then allegedly told § 87(2)(b) “Get the fuck out.” There were no witnesses to this interaction. § 87(2)(b) then left the stationhouse.

PO Moy stated that he processed § 87(2)(b)'s arrest at the stationhouse, but denied having this interaction with her. PO Moy did not recall issuing § 87(2)(b) the DAT, though acknowledged that § 87(2)(b) was released with a DAT. PO Moy denied that § 87(2)(b) asked him for his name and shield number and denied that he responded by threatening to put her back in her cell. PO Moy denied that he told § 87(2)(b) to, “Get the fuck out.” PO Russo and PO Meyreles both denied seeing § 87(2)(b) at the stationhouse.

§ 87(2)(g)

Squad: 10

Investigator:	_____	<u>Simon Wang</u>	<u>05/23/16</u>
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date